Project: Land at Mockbeggars Farm, London Road, Budletts Common, Uckfield
Planning Ref: WD/2022/0648/MAO
PINS Ref: APP/C1435/W/23/3330872
Date: 23rd January 2024

Ecology Rebuttal to MRSG and UTC Statements of Case

1 Introduction

1.1 This Ecology Rebuttal has been prepared in response to the Statements of Case (SoCs) submitted by Mockbeggars Residents' Steering Group (MRSG) and Uckfield Town Council (UTC), both dated 9th January 2024, in respect of the planning appeal relating to proposed development of land at Mockbeggars Farm, London Road, Uckfield (the 'appeal site'). A range of additional ecology matters have been raised compared to MRSG's original SoC dated 11/12/2023 and UTC's objection dated 30/11/2023. This Ecology Rebuttal responds to the latest ecology matters raised by MRSG and UTC.

2 Comments from Mockbeggars Residents' Steering Group (MRSG)

'6.1. The development site forms a key part of the vibrant wildlife corridor linking the Grade II listed Buxted Park (with its Site of Special Scientific Interest) to the Downlands area and beyond'

2.1 As set out at 5.1 of my Hearing Statement, the appeal site does not form part of any statutory or non-statutory designated 'wildlife corridor', and I conclude (para. 5.4.2) that the appeal site plays a very limited role in terms of the local ecological network.

'6.2. [The Appeal Site] borders Ancient Woodland to the South and mature woodland to the North, and the wildlife is richly diverse (Please see Annexe 2.2 for example species list), especially given the significant bat population, which has been acknowledged by the applicant.'

2.2 Annex 2.2 of MRSG's SoC includes an 'example species list' – the origin of which is unclear but appears to include unverified, amateur observations. A number of the species listed are not material to the determination of the appeal application.

2.3 For example, Fallow Deer is a non-native species, originating from Asia, which is culled to reduce the adverse impact of its grazing and browsing on biodiversity (e.g. of ancient woodlands). Similarly, Muntjac Deer is a non-native species originating from China and Taiwan, introduced to Woburn Park, Bedfordshire in 1894, from where they were deliberately released into surrounding woodlands. Muntjac Deer is listed as an invasive species under Schedule 9 of the Wildlife & Countryside Act 1981 (as amended) and also under the Invasive Alien Species (Enforcement and Permitting) Order 2019, and can be a serious pest in woodlands.

2.4 Annex 2.2 refers to a number of bird species, such as Sparrowhawk and Bullfinch, which are claimed to use the appeal site as a corridor for moving between off-site areas of woodland. As concluded at 6.3.11 of my Hearing Statement, there will be a net gain for birds as a result of habitat creation and artificial nest provision associated with the appeal scheme. In addition, it is common ground (**CD13.1**) that connectivity between woodlands will be enhanced as a result of the appeal proposals (6.4.1 of my Hearing Statement), therefore the species listed will benefit from the appeal scheme.

2.5 Regarding bats, no evidence has been presented by MRSG to substantiate the assertion that the appeal site supports a 'significant bat population'. MRSG has attempted to draw significance from the numbers of bat calls / registrations recorded during the bat activity surveys, as demonstrated by Annex 2.3 of its SoC, which mistakenly claims that the numbers of bat calls provide 'significant evidence of Bat numbers'. As noted at 2.4.4 of the 2022 Ecological Appraisal (**CD3.7**):

> '*A recognised limitation of the bat activity surveys is that bat detectors can only provide an index of activity rather than absolute numbers of bats. Therefore, the results of the bat activity surveys should only be considered indicative of the amount of use bats make of an area rather than the abundance of bats.'*

2.6 Therefore, it is inappropriate to attempt to correlate numbers of bat calls with numbers of bats. As concluded at 5.3.3 and 10.7 of my Hearing Statement, respectively, the appeal site is assessed to be of no more than local level value to bats and subject to implementation of appropriate safeguards, including a sensitive approach to lighting, bats will be adequately protected. Furthermore, a number of benefits will accrue from the appeal proposals, such as a net gain in roosting opportunities and enhanced connectivity for bats.

'6.3. The appellant plans for ground and surface water to flow into Shortbridge Stream, which will affect the water quality generally, and it also represents the danger of a major pollution event if the sewerage system fails. . . '

2.7 As set out at 6.2.7 of my Hearing Statement, the Flood Risk Assessment that accompanies the appeal application concludes[1] that suitable drainage schemes for the disposal of surface water can be provided and the proposed residential development has a very low to low pollution hazard risk, and any residual risks can be effectively mitigated through pollution control measures[2]. As such, there will be no adverse effects on water quality within Shortbridge Stream, located approximately 600m west of the appeal site.

2.8 Regarding the potential for pollution from sewerage, the FRA confirms[3] that foul water from the proposed development will be drained to a new adoptable pumping station, whereby effluent would be pumped along London Road towards Southern Water's public foul sewerage network. It is common ground (**CD13.1**) that the Local Lead Flood Authority and WDC Drainage are satisfied that the appeal proposals are acceptable in terms of surface water management and local flood risk and Southern Water do not identify any concerns regarding capacity or foul water flood risk, and there is no reason for refusal in relation to this matter. In summary, MRSG's above concerns regarding water quality and sewerage are unfounded.

'*6.4. The biodiversity net gain claimed is 0.98%, which is a risible increase and should be discounted as a rounding error, or as an attempt by the appellant to massage the figures to show a positive result, however small.'*

2.9 As set out in my Hearing Statement (section 8.1), there is no local policy requirement for developments to deliver Biodiversity Net Gain (BNG), and the overarching national policy objective is simply to provide 'net gains for biodiversity' (NPPF, para. 180), with no requirement to demonstrate a specific, measurable percentage net gain. The BNG Metric has been populated in accordance with relevant best practice guidance (**CD8.6**) and it is common ground that the proposed development provides the opportunity for biodiversity gain (**CD5.1** – PDF p.73). As per para. 8.2.2 of my Hearing Statement, the BNG assessment is conservative in nature and a higher score in habitat units could readily be achieved, for example by providing grassland in place of woodland, which scores poorly due to the time required to achieve target condition. This is a limitation of the Metric, which does not recognise more qualitative ecological benefits, such as improved woodland connectivity.

[1] **CD3.9**, PDF p.4, para. 1.5
[2] **CD3.9**, PDF p.17, paras. 7.34 – 7.36
[3] **CD3.9**, PDF p.21, para. 9.10

2.10 In summary, the above claim by MRSG regarding BNG is entirely unsupportable.

'6.4 (contd.). . . The removal of this hedgerow is required by Highways to overcome the visibility and safety issues surrounding the entrance. The [appellants] plan to replant but, as required by Highways to ensure visibility standards, the new hedge will have to be kept permanently to a height of approximately 60cms.."

2.11 As set out in my Hearing Statement (6.2.2), the loss of existing hedgerow habitat will be more than compensated by new, native hedgerow planting, with approximately 450m of new native hedgerow planting proposed, which will provide a significant net gain in hedgerow habitat compared to the existing baseline. It is unclear why MRSG believe the new hedgerow planting along London Road will need be kept to a height of 60cm. The replacement hedgerow planting will be set behind the visibility splays, therefore there would be no requirement to restrict the height of the new hedgerow to 60cm.

'6.5. According to Vivienne Blandford, a local Landscape Archaeologist "Adjacent to the development site are substantial Ardingly sandstone outcrops. . .'

2.12 MRSG's SoC references an objection by Vivienne Blandford – see **CD14.12**. It is unclear to me what, if any, ecological qualifications or credentials the author of the objection holds, and the majority of the objection relates to archaeological, geological and heritage matters, rather than ecology. Nonetheless, the objection claims the sandstone outcrops situated within the gardens of Durrant House (The Warren) 'would support a huge range of ecological diversity'. No evidence has been presented to support this claim; it is entirely unsubstantiated.

2.13 As set out at 9.2.3 of my Hearing Statement, according to the desktop study carried out as part of the 2022 Ecological Appraisal (**CD3.7**), the nearest designated site supporting such features is Budlett's Common Rocks Local Wildlife Site (LWS), situated approximately 50m north of the appeal site[4]. As concluded in Chapter 3 of the 2022 Ecological Appraisal[5], the LWS is physically separated from the appeal site (by a distance of 50m), therefore it is unlikely the appeal proposals would lead to any adverse effects.

'6.6. This development would make an environmental island of Durrant House and The Quarry, which will effectively destroy the wildlife corridor, between Lake Wood, Budletts Common, Mockbeggar Farm, Durrant House and the Buxted Park SSSI'

[4] see **CD3.7** – PDF p.44, Plan 6212/ECO3
[5] **CD3.7** – PDF p.16, para. 3.2.2

2.14 As set out in my Hearing Statement, the appeal site plays a very limited role in terms of the local ecological network (5.4.2) and overall connectivity with the surrounded network will be *enhanced* as a result of the appeal proposals (6.4.1). Therefore, the above claim by MRSG is unsupportable.

'6.8. The Council's Biodiversity officer has accepted plans for a "bat corridor" linking existing woodland parcels on either side of the development. We strongly dispute this proposal. There has been no bat assessment of the woods and rock formations at Eagle Rock LWS or Durrant House and The Quarry, and we are deeply concerned about the methodology applied as we feel that there are significant unassessed bat habitats which will be fragmented and isolated.'

2.15 As part of the 2022 Ecological Appraisal, background records for any bats located within a 2km search area surrounding the appeal site were obtained from the Sussex Biodiversity Record Centre (**CD3.7**, para. 5.3.2), with relevant records included within the Ecological Appraisal report. This approach allows for an assessment of bat interest in the surrounding area and is in line with standard best practice guidance[6]. Potential impacts on bats are assessed within section 6.3 of my Hearing Statement, which concludes there will be a net gain in roosting opportunities for bats as a result of the appeal proposals, as well as improved connectivity with surrounding ecological features, which (as acknowledged by MRSG) has been fully accepted by the Council's Biodiversity Officer. As such, MRSG's concerns regarding bats are unfounded.

'6.9. . . Please see CD14.11 for a commentary on the survey and Ecological Assessment carried out by Aspect Ecology. . . The Appellant's Bat Survey Map shows the presence of Barbastelle, which are likely to be using the corridor of Paygate, Mockbeggar, Durrant House and also the LWS of Budletts Common Rocks to the North. In addition, it appears that the Myotis species mentioned in the survey may include the very rare Myotis Bechstein bats. . . .. Further study is urgently needed before any development is contemplated.'

2.16 The survey work detailed and assessed at **CD14.11** relates to a proposed development at Downlands Farm (Reference: WD/2022/1637/MEA) located ~1km south-west of the appeal site. As such, the commentary on this survey work bears no relevance to the appeal proposals. Nonetheless, having reviewed the survey work for Downlands Farm and the commentary provided on it by Sussex Wildlife Trust, I find no evidence that Bechstein's bats were ever recorded at that site. I also note that no records of Bechstein's bat were returned from within 2km of the appeal site as part of the background data search (**CD3.7**, para. 5.3.2).

[6] Collins, J. (ed.) (2016) 'Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).' Bat Conservation Trust

2.17 Furthermore, Bechstein's bat are found almost exclusively within woodland and, if present in the surrounding area (despite the absence of any background records), would therefore benefit from the appeal proposals, which include a net gain in woodland habitat and improved connectivity of local woodlands. With respect to Barbastelle bats, which *were* noted within the appeal site, only three registrations of this species were recorded during each of the 2021 and 2023 survey periods, indicating the appeal site is not an important resource for this species. Therefore, no further study is required in my view, nor in the view of the Council's Biodiversity Officer.

3 Comments from Uckfield Town Council (UTC)

'3.3 The proposed buffer zone between Round Wood and the development is most concerning. 15m is the bare minimum required, with no due consideration for other impacts such as the close proximity of property no. 52 and play provision within this buffer zone, creating increased noise and disturbance to wildlife. . .'

3.1 As illustrated on the Landscape Strategy Plan (**CD11.3**), a minimum 15m buffer to development is provided to Round Wood ancient woodland, notwithstanding the poor quality of the woodland and presence of existing residential dwellings within the woodland itself. In fact, the Landscape Strategy Plan demonstrates that the majority of proposed development is more than 20m from the ancient woodland. Contrary to the above suggestion by UTC, the Landscape Strategy Plan illustrates that proposed property no. 52 is not in close proximity to the ancient woodland; it is 15m from the woodland. Furthermore, and again, contrary to UTC's comments, the Landscape Strategy Plan clearly shows that the children's play area is proposed to be located ~20m from the ancient woodland. Therefore, UTC's comments on ancient woodland are erroneous and unsupported.

'5.1 The revised NPPF requires all major developments to deliver 10% 'biodiversity net gain' from January 2024. The planting of new saplings in front of Round Wood to increase biodiversity net gain would not make up for the detrimental impact of this development on the ecological and historical value of adjacent land.'

3.2 Firstly, the latest version of NPPF (**CD1.1**) does not require all major developments, or indeed any developments, to deliver 10% BNG; this is entirely incorrect. The mandatory requirement for developments to deliver 10% BNG is being introduced through legislation, not NPPF, and as set out in my Hearing Statement (3.1.9) is of no relevance to the appeal application.

3.3 Secondly, as described in my Hearing Statement (Chapter 8) and as is common ground, the appeal proposals are capable of achieving BNG. Therefore, UTC's comments on BNG are erroneous and unsupported.

3.4 A range of other, unsupported ecology concerns are raised by UTC but are already covered above in my response to MRSG's SoC.

4 Summary & Conclusions

4.1 This Ecology Rebuttal has been prepared to address the ecology points raised in MRSG's and UTC's latest Statements of Case. In summary, the majority of points raised are unfounded, unsupported and/or erroneous, and no evidence has been provided that alters the conclusion of my Hearing Statement (10.9), namely that there is no ecological impediment to the grant of planning permission, subject to the imposition of suitable planning conditions.